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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,364	12/19/2000	Matthew R. Curreri	MATP-600US	4950

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EXAMINER	
BELIVEAU, SCOTT E	
ART UNIT	**PAPER NUMBER**
2614	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/740,364	CURRERI, MATTHEW R.	
	Examiner	Art Unit	
	Scott Beliveau	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/2/004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The amendment filed 03 November 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "This application is a continuation-in-part of U.S. Application No. 09/541,120, filed March 31, 2000: the contents of which are Incorporated herein by reference." In particular, as set forth in MPEG 201.06(c), when a benefit claim under 35 U.S.C. 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Indus. v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Applicant is required to cancel the new matter in the reply to this Office Action.

2. Updated status of all co-pending applications is further required as appropriate.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). In particular, the examiner is unclear as to where support for the term "channel group selector" is found within the specification. The particular usage of the term was disclosed only in the claims as originally filled. On the basis of reviewing the parent application, now US Pat No. 6,817,027 (see Figure 3), it would appear that element "232" is the corresponding claimed element, however it is not clearly identified as such in the specification.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 08 September 2004 was filed after the mailing date of the Non-Final Rejection on 23 April 2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

5. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-7, 11-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agasse (WO 00/05887), in view of Harms et al. (US Pat No. 6,057,831), and in further view of Bedard (US Pat No. 5,805,235).

In consideration of claim 1, the Agasse reference, as illustrated in conjunction with Figures 4-7 illustrates a "display interface having a group of channels for tuning a television receiver" [80]. As the limitation pertaining the "channel matrix", the "display interface" [80] includes a "channel matrix having n columns and m rows for displaying a plurality of definable channels indicators for at most n x m channels, where n and m are positive integers

greater than 2, each definable channel indicator corresponding to a respectively different position in the matrix, wherein the channel matrix including entries for both available and unavailable channels for one group of channels among a plurality of channel groups," (Page 1, Lines 19-27; Page 22, Lines 18-30; Page 23, Lines 19-24; Page 25, Lines 11-19). In particular, as to the newly added limitation pertaining to the "matrix including entries for both available and unavailable channels", the instant application discloses that unavailable channels" may comprise those which are blocked due to parental control features (IA: Page 8, Lines 27-30). However, the claims do not particularly limit what an unavailable channel means. Accordingly, Agasse reference discloses the display of both available and unavailable channels wherein unavailable channels are those channels for which the user does not have access rights either by virtue of the program being blocked due to it being of an adult nature or blocked because the user has not purchased the program rendering the channel unavailable for subsequent access.

The "display interface" [80] further comprises a "channel group selector configured to be activated to switch the channel matrix among the groups of channels to select a current group of channels" such that the selection of the left navigation arrow switches to a new group or mosaic of 20 programs of the 60 or more available channels (Agasse: Page 23, Lines 9-17).

The "display interface" [80] further comprises a "cursor configured to be moved to positions along the rows and columns of the matrix" [83] that further services as a "channel selector which selects and tunes the channel corresponding to the definable channel indicator at the position of the cursor on the matrix" (Page 22, Line 31 – Page 23, Line 7), and a "channel status section" [84] separate from the "channel matrix" that "displays status

information of . . . a television channel corresponding to the indicator at the position of the cursor on the matrix" (Page 8, Lines 26-32; Page 23, Lines 1-4).

With respect to the limitation pertaining to the "channel group selector", while the "display interface" [80] of Agasse further comprises a "channel group selector" in the form of a navigation arrow such does not particularly comprise an "indictor of a base channel for the current group of channels". In an analogous art pertaining to the navigation of channels within a satellite distribution system, the Harm et al. reference discloses a "channel group selector" [810] that is "configured to be activated to switch . . . among groups of channels to select a current group of channels and to display a channel indicator of a base channel in the current group of channels" [814] such that the "base channel" corresponds to the first channel on which the display group is based (Col 11, Lines 38-54). Accordingly, it would have obvious to one having ordinary skill in the art at the invention was made so as to modify the Aggasse "channel group selector" using the teachings of Harm et al. for the purpose of providing an efficient means for navigating through large numbers of channels offered through satellite television (Harm et al.: Col 2, Lines 15-36).

With respect to the limitation that the "channel status section . . displays status information . . . comprising bookmarked channel information", Agasse discloses that the "channel status section" [4] may comprise information regarding the program (Agasse: Page 30, Lines 30-32), but it does not particularly disclose nor preclude the nature of this information. Additionally, the reference suggests that it is operable to facilitate the designation of favorite channels (Agasse: Page 32, Lines 6-17). The Bedard reference discloses a method for the bookmarking of channels/programs which allows viewers to create

lists of favorites to quickly return to at a later time (Bedard: Col 3, Line 64 – Col 4, Line 9). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the Agasse embodiment so as to enable the bookmarking of channels as taught by Bedard for the purpose of providing a means by which a viewer may quickly locate a program/channel of interest (Bedard: Col 1, Lines 33-45). Accordingly, in view of the combined references, the Agasse embodiment is operable to display "status information comprising bookmarked channel information" wherein the bookmarked channel information comprises information pertaining to the time and title of the program being broadcast. The claim is not limiting such that bookmarked channel information need necessarily comprise information designating if the channel is or is not bookmarked.

In consideration of claims 2 and 3, the Bedard reference also discloses a method wherein the image associated with a particular channel is "highlighted to indicate if a corresponding channel is bookmarked" wherein the "highlighting comprises . . . displaying symbols" [30/31]. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made in view of the combined teachings so as to display the "highlighted information" [30/31] in conjunction with the sub-pictures of the matrix display of Agasse for the purposes of enabling the user to quickly ascertain when viewing a matrix display comprising images from multiple channels those programs/channels that are currently available and having been designated of interest.

Claims 4 and 5 are rejected wherein "ones of the bookmarked channels have at least one predetermined property" wherein that property "depends, at least in part, on information about the channels contained in an electronic program guide and the bookmarking of

channels is modified at times corresponding to times at which changes in the property are to occur as described in the electronic program guide". For example, the Bedard reference discloses that the bookmarking may be dependent upon a "predetermined property" such as being associated with a particular program. The bookmark of a particular channel subsequently depends on the EPG data indicating that the particular program is being broadcast (Bedard: Col 4, Lines 10-21).

Claim 6 is rejected wherein the Bedard embodiment comprises a "remote control device" [10] further comprising "at least one bookmark key for designating a selected channel as bookmarked or not bookmarked" [24] (Col 4, Lines 10-35).

In consideration of claim 7, the Agasse reference discloses the use of a "remote control device" [29] including "at least one of each of a 'browse previous' and a 'browse next' key for displaying, relative to a selected channel number, a next lower channel number bookmarked channel and a next higher channel number bookmarked channel, respectively" [42] (Page 21, Lines 13-15; Page 23, Lines 1-7). The claim does not explicitly require that the particular navigation need directly between "bookmarked channels" thereby skipping the navigation between any intervening non-bookmarked channels. Alternatively, the Bedard reference discloses that the "remote control device" [10] comprises including "at least one of each of a 'browse previous' and a 'browse next' key for displaying, relative to a selected channel number, a next lower channel number bookmarked channel and a next higher channel number bookmarked channel, respectively" [27] (Bedard: Col 4, Lines 42-51).

In consideration of claim 11, as aforementioned in the rejection of claim 1, the Agasse reference, as illustrated in conjunction with Figures 4-7 illustrates a "user interface" for

"displaying" [80] a "channel matrix having n columns and m rows including entries for both available and unavailable channels for one group of channels among a plurality of channel groups," (Page 1, Lines 19-27; Page 22, Lines 18-30; Page 23, Lines 19-24; Page 25, Lines 11-19) and a "channel group selector configured to be activated to switch the channel matrix among the groups of channels to select a current group of channels" such that the selection of the left navigation arrow switches to a new group or mosaic of 20 programs of the 60 or more available channels (Agasse: Page 23, Lines 9-17).

With respect to the limitation pertaining to the "channel group selector", while the "display interface" [80] of Agasse further comprises a "channel group selector" in the form of a navigation arrow such does not particularly "display a channel indictor of a base channel for the current group of channels". In an analogous art pertaining to the navigation of channels within a satellite distribution system, the Harm et al. reference discloses a "channel group selector" [810] that is "configured to be activated to switch . . . among groups of channels to select a current group of channels and to display a channel indicator of a base channel in the current group of channels" [814] such that the "base channel" corresponds to the first channel on which the display group is based (Col 11, Lines 38-54). Accordingly, it would have obvious to one having ordinary skill in the art at the invention was made so as to modify the Aggasse "channel group selector" using the teachings of Harm et al. for the purpose of providing an efficient means for navigating through large numbers of channels offered through satellite television (Harm et al.: Col 2, Lines 15-36).

With respect to the limitations pertaining to "bookmarking channels", while disclosing the ability to designate favorite channels, the Agasse reference does not explicitly disclose

nor preclude a method for bookmarking channels and subsequently highlighting the indicators corresponding to those channels. The Bedard reference discloses a method for the bookmarking of channels such that "responsive to a user command" a user is operable to "modify a bookmark status of a corresponding channel" thereby "adding or removing a bookmark" in conjunction with navigating between channels (Col 4, Lines 10-35). Corresponding channels that have been bookmarked are subsequently "highlighted" [30/31] with an checkmark icon. The Bedard reference further suggests that the particular method of bookmarking may be performed in other modes such as in conjunction with an EPG (Col 5, Lines 23-35). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the Agasse embodiment so as to enable the bookmarking of channels as taught by Bedard for the purpose of providing a means by which a viewer may quickly locate a program/channel of interest (Bedard: Col 1, Lines 33-45) in conjunction with the viewing and navigating of a matrix of channels.

Claim 12 is rejected as aforementioned wherein the "channel status section" [84] of Agasse "displays status information" in the form of information detailing the program title and broadcast time "on a television channel corresponding to the indicator at the position of the cursor on the matrix" (Page 8, Lines 26-32; Page 23, Lines 1-4). As previously set forth, the, the displayed "status information" includes "bookmarked channel information" given that the claim is not limiting such that bookmarked channel information need necessarily comprise information designating if the channel is or is not bookmarked.

Claim 13 is rejected wherein the Agasse reference discloses that the combined references "responsive to a user command" is operable to "display, relative to a selected channel

number, one of the next higher or next lower bookmarked channel number from the channel number corresponding to a current cursor position" [42] (Page 21, Lines 13-15; Page 23, Lines 1-7). For example, in view of the combined references, presuming that channel 16 of Figure 5 of Agasse is a bookmarked channel and channel number 15 is initially selected, the claimed limitations would be met in conjunction with the "user command" to navigate to the subsequent channel.

Claim 14 is rejected wherein the Bedard reference discloses that the "act of highlighting comprises . . . displaying symbols" [30/31] (Col 4, Lines 10-34).

Claims 15 and 16 are rejected wherein "all of the channels having a predetermined property" may be bookmarked via the user wherein that property "depends, at least in part, on information about the channels contained in an electronic program guide and the bookmarking of channels is modified at times corresponding to times at which changes in the property are to occur as described in the electronic program guide". It is commonly known in the art that at any given moment a particular program may comprise a unique property for all channels. For example, NBC's program "The Apprentice" is broadcast only on NBC during a particular timeslot. Accordingly, the Bedard reference implicitly discloses that the bookmarking of a particular program such as "The Apprentice" serves to "bookmark all channels having a predetermined property" or those currently broadcasting that particular program. The bookmark of a particular channel subsequently depends on information in the EPG and further changes based on changes in the property are to occur as described in the electronic program guide such that the bookmark is removed at the end of the program broadcast (Bedard: Col 4, Lines 10-21).

Claim 17 is rejected in light of the rejection of claim 11 wherein the embodiment as illustrated in conjunction with Figures 1 and 2 of Agasse comprises "means for displaying" [14], "means for highlighting" [20], and "the means for moving a cursor" [29], and "means for responsive to a user command, adding or removing a bookmark" [20].

Claim 19 is rejected as set forth in conjunction with claim 11 wherein the embodiment is operable to be implemented via software (Agasse: Page 29, Lines 7-17).

8. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agasse (WO 00/05887), in view of Harms et al. (US Pat No. 6,057,831), in view of Bedard (US Pat No. 5,805,235), and in further view of Handelman (US Pat No. 6,654,721).

In consideration of claim 8, the combined references do not explicitly disclose nor preclude that the embodiment may further facilitate navigation within the program guide matrix utilizing a "voice recognition system". The Handelman reference discloses a "voice recognition system" [50] that "recognizes voiced direction commands to move the cursor along the rows and columns" of a program guide matrix and further "recognizes a voiced selection command to act as the channel selector" (Col 12, Lines 28-67; Col 14, Lines 14-51). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the combined teachings so as to utilize the "voice recognition system" of Handelman for the purposes of advantageously providing a voice activation device and method for operating various program guide functions in a television system (Handelman et al.: Col 2, Lines 21-24).

Claims 9 and 10 recite similar limitations as those set forth in claims 6 and 7 with the exception being the particular usage of voice recognition commands. The combined

references do not explicitly disclose nor preclude the particular usage of voice commands in order to facilitate the designation of bookmarks or navigation to bookmarked channels. The Handelman reference discloses the usage of voice recognition in order to facilitate typically entered remote control commands. Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the combined teachings so as to utilize the "voice recognition system" of Handelman in order to facilitate the designation of bookmarks or navigation to bookmarked channels for the purposes of advantageously providing a voice activation device and method for operating various program guide functions in a television system (Handelman et al.: Col 2, Lines 21-24).

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agasse (WO 00/05887), in view of Harms et al. (US Pat No. 6,057,831), in view of Bedard (US Pat No. 5,805,235), and in further view of applicant's admitted prior art.

In consideration of claim 18, the Agasse reference while disclosing the particular usage of the MPEG2 receiver does not explicitly disclose nor preclude that the received signals may correspond to a "first and second configurations". The applicant's admitted prior art discloses that it is known in the art to distribute multiple programs in an individual channel that which include up to 10 minor channels (IA: Page 1, Line 5 – Page 2, Line 12). Accordingly, it would have been obvious to one having ordinary skill in the art to utilize sub-channels in conjunction with the distribution of programming for the purpose of allowing broadcasters to take advantage of the ability to distribute several additional channels of information which previously occupied by a single analog television channel. In light of such a modification, the "channels corresponding to the indicators in the matrix" of Agasse

would support a "first and second configuration". For example, channel 12 may comprise both a "first configuration" or channel 12-1 and a "second configuration" or channel 12-2. Given the independent nature of the channel content, one would conclude that they would be displayed separately in the matrix and would be independently selectable in a manner similar to that of illustrated non-multiprogram channel embodiment. Accordingly, given that the Bedard bookmarking is specific to programs/channels, the combined teachings would therefore suggest that the embodiment would further include the "means for modifying the channel indicators corresponding to the channels having the first configuration and not modifying the channel indicators corresponding to channels having the second configuration" for the purpose of enabling a viewer to independently designate both channels and programming of interest in a manner similar to that performed in conjunction with the single program channel teachings.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Curreri (US Pat No. 6,817,027) reference discloses a display interface comprising a channel matrix. This reference does not currently qualify as prior art under 35 USC 102, however, is being cited as the claimed subject matter is similar to the instant application.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access

to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEB
February 21, 2005

JOHN MILLER
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